

SENATE BILL No. 114

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Environmental crimes task force. Establishes the environmental crimes task force to study the appropriate class of criminal violation that should be assigned to each type of environmental crime. Requires the task force to file a final report before November 1, 2005.

Effective: Upon passage.

Kenley

January 7, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 114

A BILL FOR AN ACT concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "task force" refers to the environmental crimes task**
3 **force established under this SECTION.**

4 **(b) The environmental crimes task force is established.**

5 **(c) The task force consists of the following members:**

6 **(1) Two (2) members of the house of representatives**
7 **appointed by the speaker of the house of representatives. The**
8 **members appointed under this subdivision may not be**
9 **members of the same political party.**

10 **(2) Two (2) members of the senate appointed by the president**
11 **pro tempore of the senate. The members appointed under this**
12 **subdivision may not be members of the same political party.**

13 **(3) Two (2) members appointed by the governor who are**
14 **representatives of local government. The members appointed**
15 **under this subdivision may not be members of the same**
16 **political party.**

17 **(4) Two (2) members appointed by the governor who are**
18 **representatives of environmental interests.**



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(5) Two (2) members appointed by the governor who are representatives of business and industry.

(6) Two (2) members appointed by the governor who are attorneys with expertise in environmental law.

(7) One (1) member appointed by the chief justice of the supreme court who is an appellate judge.

(8) The commissioner of the department of environmental management or the commissioner's representative.

(9) One (1) member appointed by the attorney general.

The appointments required under this subsection shall be made before July 1, 2003.

(d) The appointed members of the task force serve at the pleasure of the appointing authority. The appointing authority shall fill any vacancy on the task force within forty-five (45) days.

(e) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairperson of the commission.

(f) The expenses of the task force shall be paid from appropriations made to the legislative council or the legislative services agency.

(g) The task force shall do the following:

(1) Conduct studies necessary to prepare a final report that includes at least the following:

(A) A summary of environmental crime statutes of other states.

(B) A summary of requirements of federal environmental programs delegated to states.

(C) A summary of federal criminal sentencing guidelines.

(D) Recommendations about which environmental law violations should be a misdemeanor, a Class D felony, or another class of felony.

(E) If determined appropriate by the task force, recommendations for legislation, including a set of specific statutory standards for determining criminal violations.

The task force must consider in its studies the full range of issues dealing with environmental law.

(2) Submit its final report before November 1, 2005, to:

(A) the governor;

(B) the executive director of the legislative services agency; and

(C) the environmental quality service council.

(h) The legislative services agency shall provide staff support to

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1 the task force.

2 (i) Each member of the task force who is not a state employee is
3 entitled to the minimum salary per diem provided by
4 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
5 for traveling expenses as provided under IC 4-13-1-4 and other
6 expenses actually incurred in connection with the member's duties
7 as provided in the state policies and procedures established by the
8 Indiana department of administration and approved by the budget
9 agency.

10 (j) Each member of the task force who is a state employee is
11 entitled to reimbursement for traveling expenses as provided under
12 IC 4-13-1-4 and other expenses actually incurred in connection
13 with the member's duties as provided in the state policies and
14 procedures established by the Indiana department of
15 administration and approved by the budget agency.

16 (k) Each member of the task force who is a member of the
17 general assembly is entitled to receive the same per diem, mileage,
18 and travel allowances paid to members of the general assembly
19 serving on interim study committees established by the legislative
20 council.

21 (l) The affirmative votes of a majority of the members of the
22 task force are required for the task force to take action on any
23 measure, including the final report.

24 (m) The task force shall operate under the rules of the legislative
25 council.

26 (n) This SECTION expires January 1, 2006.
27 SECTION 2. An emergency is declared for this act.

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